Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Technology, Economic Development, & Veterans Committee

HB 2606

Brief Description: Concerning performance measures, duties, and reporting requirements for the office of privacy and data protection.

Sponsors: Representatives Barnard, Ryu, Nance and Timmons.

Brief Summary of Bill

- Modifies performance measures for the Office of Privacy and Data Protection (OPDP), adding agency improvements, public contacts, trainings, technical assistance requests, continuing education, and threshold analyses and privacy impact assessments completed; and removing reporting on data protection measures and consumer education efforts.
- Includes review of agency projects using artificial intelligence in the OPDP's primary duties.
- Removes requirement for the OPDP to report on telecommunications providers and infrastructure.

Hearing Date: 1/27/26

Staff: Martha Wehling (786-7067).

Background:

The Office of Privacy and Data Protection (OPDP) was created in the Office of the State Chief Information Officer (OCIO) in 2016. The OCIO was eliminated in 2024, and the OCIO's responsibilities were reassigned to Washington Technology Solutions (WaTech). In 2024 the

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OPDP was established within WaTech, rather than the OCIO.

The purpose of the OPDP is to serve as a central point of contact for state agencies on policy matters involving data privacy and data protection, and to serve as a forum for ensuring equitable consumer access to communications and data technology. The Chief Information Officer must appoint the director, who is the Chief Privacy Officer.

The primary duties of the OPDP are to conduct an annual privacy review, to conduct an annual privacy training for state agencies and employees, to articulate privacy principles and best practices for state agencies, to coordinate data protection, and to participate in the review of major state agency projects involving personally identifiable information.

The OPDP must serve as a resource to local governments and the public on data privacy and protection concerns. This includes developing and promoting the dissemination of best practices for the collection and storage of personally identifiable information, and establishing and conducting a training program or programs for educating local governments and consumers about the use of personally identifying information on mobile and digital networks and measures that can help protect such information.

The OPDP was required to establish performance measures in its 2016 report to the Legislature and, in each report thereafter, demonstrate the extent to which performance results have been achieved. Certain performance reports are specified, for example pertaining to the OPDP's training, coordination, consumer education, and outreach efforts.

The OPDP was required to submit performance measures and a data collection plan for review and comment to the Joint Legislative Audit and Review Committee (JLARC) by 2017. In December 2025 JLARC conducted a program and fiscal review of the OPDP and recommended that the Legislature update the OPDP's mandate to align with its capacity and focus.

The OPDP must, at its discretion but at least once every four years, report to the Legislature on access of state residents to advanced telecommunications capability. The report must describe the extent to which telecommunications providers in the state are deploying advanced telecommunications capability and the existence of any inequality in access experienced by residents of rural areas, tribal lands, and economically distressed communities. The report is only required to the extent that the OPDP is able to gather and present the information within existing resources.

Summary of Bill:

The OPDP's primary duties are expanded to include review of agency projects using artificial intelligence. The OPDP's performance measures are modified to add:

- agency improvements in privacy and data protection policies and practices following participation in OPDP trainings, annual review of state agencies, and, when available, local government improvements;

- public contacts including the number of contacts, nature of the contact, and the OPDP's response;
- results of OPDP trainings, number of trainings completed, topics, and attendance;
- technical assistance requests by agencies and local governments, including the number and nature of the requests;
- OPDP staff's continuing education activities or certifications; and
- number of privacy threshold analyses and privacy impact assessments completed.

Reporting on data protection measures and consumer education efforts are removed from the OPDP's performance measures. The OPDP's requirement to report to JLARC and to report on telecommunications providers and infrastructure is removed.

Appropriation: None.

Fiscal Note: Requested on January 20, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.